

REMARKS

Reconsideration of the subject application is respectfully requested in view of the above-noted amendments. Claims 11-13 are currently pending in this application. With the above amendments, claim 11 has been amended to specify that the polypeptides have at least 90% identity to the full length of the polypeptide set forth in SEQ ID NO:475. Support for the amendment can be found throughout the specification as filed, for example, at page 40, lines 3-7 or page 125, lines 11-24. No new matter has been added. Applicants wish to thank the Examiner for indicating in a telephone conversation on January 14, 2004, that she would consider the above amendments to claim 11. It should be noted that the above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

Rejections under 35 U.S.C. § 102(e)

Claims 11-12 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Jager *et al.* (WO 01/47959 A2). In particular, the Action contends that Jager *et al.* teaches the immunotherapeutic treatment of a patient comprising administering the peptides disclosed in the reference or immunoreactive portions thereof. The Action further asserts that the peptides disclosed in Jager *et al.* include a protein comprising the full-length sequence of SEQ ID NO:475. The Advisory Action contends that SEQ ID NO:16 of Jager *et al.*, as disclosed in Application No. 09/451,739, comprises a sequence that is 99% identical to residues 338 to 847 of SEQ ID NO:475. The Advisory Action further asserts that the instant claims do not recite that the 90% identity to the polypeptide sequence of SEQ ID NO:475 refers to 90% identity over the full length sequence of SEQ ID NO:475. Accordingly, the Advisory Action maintained the rejection.

Applicants respectfully traverse this rejection for the reason already on record. However, as suggested by the Advisory Action, Applicants have amended claim 11, without prejudice, to specifically recite that the 90% identity is to the full length of the polypeptide set

forth in SEQ ID NO:475. Accordingly, Applicants submit that the rejection has been obviated and may be properly withdrawn.

With regard to the assertion in the Advisory Action that the amendments to claim 13 would potentially raise new grounds for rejection, Applicants submit that the amendments removed reference to trademarks and substituted generic language therein. Applicants submit that it would not require additional search by the Office to consider the amended claim. Applicants respectfully request that the amended claim be reconsidered.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants urge that all of the claims remaining in the application are believed to be in condition for allowance. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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